

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

EMPLOYERS REINSURANCE CORPORATION,)	
a Missouri corporation, and)	
WESTPORT INSURANCE CORPORATION,)	
a Missouri corporation,)	
)	No. 01 0709-CV-W-2
Plaintiffs/Counterdefendants,)	
)	
vs.)	
)	
AMERICAN INVESTORS FINANCIAL,)	
LTD., an Arizona corporation, and)	
AMERICAN INVESTORS INSURANCE)	
(BERMUDA), LTD., a Bermuda)	
corporation,)	
)	
Defendants/Counterclaimants.)	
)	

MOTION TO STRIKE AFFIDAVITS OR, ALTERNATIVELY, TO
REQUIRE PLAINTIFFS TO PRODUCE UNDERLYING DATA
PURSUANT TO RULE 56(f)

Defendants American Investors Financial, Ltd. and American Investors Insurance (Bermuda), Ltd., pursuant to Rule 56(e), Federal Rules of Civil Procedure, move to strike the affidavits of Michael Furlong and Mark Anderson submitted in support of Plaintiffs' Motion for Partial Summary Judgment. If the Court for any reason determines not to strike the affidavits, Defendants move under Rule 56(f) for an order of the Court requiring Plaintiffs to

produce the underlying data, the experts affidavit and report, and all other necessary information, and allowing Defendants time to take the deposition of Mr. Anderson.

Respectfully submitted,

By /s/Stephen R. Miller
Stephen R. Miller MO

#33344

MILLER LAW FIRM
4310 Madison Avenue
Kansas City, Missouri

64111

Jon R. Pozgay AZ # 003680
2850 East Camelback Road
Suite 200
Phoenix, Arizona 85016
(602) 808-5430

Attorneys for Defendant-
Counterclaimant

American

Investors Financial, Ltd.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was this date served upon all counsel of record by placing a copy of the same in the United States Mail, postage prepaid, and sent to their last known address as follows:

Charles W. German, Esq.
David J. Rempel, Esq.
One Petticoat Lane Building
1010 Walnut Street, Suite 400
Kansas City, Missouri 64106

Phoenix, Arizona the 5th day of February, 2003.

By/s/ Stephen R. Miller
Stephen R. Miller MO
#33344
MILLER LAW FIRM
4310 Madison Avenue
Kansas City, Missouri

64111

Jon R. Pozgay AZ #003680
2850 East Camelback Road
Suite 200
Phoenix, Arizona 85016
(602) 808-5430
Attorney for Defendants/
Counterclaimants

